

United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. §1251 et seq; the "Act"),

Bunker Limited Partnership


is authorized to discharge from a facility located near Kellogg, Idaho to receiving waters named South Fork Coeur d'Alene River, Bunker Creek, and Government Creek,

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective October 30, 1986.

This permit and the authorization to discharge shall expire at midnight, October 29, 1991.

Signed this 30th day of September 1986.

  
Director, Water Division, Region 10  
U.S. Environmental Protection Agency

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Central Treatment Plant--Outfall Number 006.

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from outfall serial number 006, subject to the following conditions:

1. Discharges from outfall number 006 shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>		<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
<u>Parameter</u>	<u>Units</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	mgd	N/A	N/A	Continuous	Recording
Total Suspended Solids	mg/l lb/day	20 985	30 1907	Daily	Grab
Total Copper	mg/l lb/day	0.15 7.4	0.30 18.6	Daily	24-hour composite
Total Zinc	mg/l lb/day	0.73 36.2	1.48 91.3	Daily	24-hour composite
Total Lead	mg/l lb/day	0.3 14.8	0.6 37.0	Daily	24-hour composite
Total Mercury	mg/l lb/day	0.001 0.05	0.002 0.12	Daily	24-hour composite
Total Cadmium	mg/l lb/day	0.05 2.4	0.1 6.1	Daily	24-hour composite
Total Antimony	mg/l	N/A	N/A	Monthly	24-hour composite
Total Manganese	mg/l	N/A	N/A	Monthly	24-hour composite
Total Phosphorus	mg/l	N/A	N/A	Weekly	24-hour composite
Total Cyanide	mg/l	N/A	N/A	Weekly	24-hour composite
Total Fluoride	mg/l	N/A	N/A	Weekly	24-hour composite

2. Effluent pH shall not be less than 6.0 standard units nor greater than 10 standard units. The pH shall be monitored continuously.

3. There shall be no discharge of floating solids, visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.
4. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: In the effluent stream after treatment and immediately prior to discharge to Bunker Creek.

B. Booster Station Overflow--Outfall Number 008.

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from outfall serial number 008, subject to the following conditions:

1. Discharges from outfall number 008 shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>		<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
<u>Parameter</u>	<u>Units</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	mgd	1.4	2.6	Daily	Measure/ Calculate
Total Copper	mg/l	0.01	0.07	Monthly	Grab
Total Zinc	mg/l	0.5	1.0	Monthly	Grab
Total Lead	mg/l	0.1	0.3	Monthly	Grab
Total Cadmium	mg/l	0.01	0.07	Monthly	Grab

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The pH shall be monitored monthly with a grab sample.
3. There shall be no discharge of floating solids, visible foam in other than trace amounts, or oily wastes which produce a sheen on the surface of the receiving water.
4. Samples taken in compliance with the monitoring requirements specified above shall be taken in the effluent stream immediately prior to discharge to the receiving water.

C. Number 96 Tunnel--Outfall Number 009.

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from the Number 96 Tunnel, subject to the following monitoring requirements:

<u>EFFLUENT CHARACTERISTIC</u>		<u>MONITORING REQUIREMENTS</u>	
<u>Parameter</u>	<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	mgd	quarterly	estimate
Specific Conductance	umhos/cm <sup>2</sup>	quarterly	grab
pH	pH units	quarterly	grab
Total Copper	mg/l	quarterly	grab
Total Zinc	mg/l	quarterly	grab
Total Lead	mg/l	quarterly	grab
Total Mercury	mg/l	quarterly	grab
Total Cadmium	mg/l	quarterly	grab
Total Manganese	mg/l	quarterly	grab
Total Fluoride	mg/l	quarterly	grab

1. Quarterly grab sampling shall be on a day that coincides with the monthly 24-hour composite sampling on Government Creek.
2. Samples taken in compliance with the monitoring requirements specified above shall be taken in the discharge stream just before the discharge enters Government Creek.
3. After a period of one year, the monitoring results from the Number 96 Tunnel will be reviewed and adjusted if necessary.

D. Bunker Creek and Government Creek Monitoring Requirements.

During the period beginning on the effective date and lasting through the expiration date, the permittee shall monitor Government Creek and Bunker Creek at the following locations as specified below:

1. Bunker Creek just upstream of the culvert under the I-90 freeway.
2. Government Creek below Sweeney Pond near the I-90 freeway.
3. Government Creek above the zinc plant, approximately 100 feet upstream of the discharge of the Number 96 Tunnel into Government Creek.

<u>EFFLUENT CHARACTERISTIC</u>		<u>MONITORING REQUIREMENTS</u>			
<u>Parameter</u>	<u>Units</u>	(1) <u>Bunker Creek</u>	(2) <u>Government Creek</u>	(3) <u>Government Creek</u>	<u>Sample Type</u>
Flow	mgd	weekly	5 days/week	5 days/week	measure/ calculate
Specific Conductance	umhos/cm <sup>2</sup>	weekly	continuous	weekly	grab (for 1 and 3)
pH	pH units	weekly	continuous	weekly	grab (for 1 and 3)
Total Copper	mg/l	monthly	monthly	monthly	grab
Total Zinc	mg/l	monthly	monthly	monthly	grab
Total Lead	mg/l	monthly	monthly	monthly	grab
Total Mercury	mg/l	monthly	monthly	monthly	grab
Total Cadmium	mg/l	monthly	monthly	monthly	grab
Total Manganese	mg/l	monthly	monthly	monthly	grab
Total Fluoride	mg/l	monthly	monthly	monthly	grab

E. Other Requirements

1. The pond area of the Central Impoundment Area (CIA) shall not exceed 50 acres. The water level in the CIA shall not overtop the upper edge of the sloped beach of mill tailings surrounding the CIA. Distribution of the tailings shall be effectively managed to avoid ponded water contact with the dike. Where mill tailings cannot be effectively beached along the perimeter, external dike sealing may be necessary. Should seepage control through mill tailings deposition and clay sealing be inadequate, further measures such as seepage collection and pumping back to the CIA may be required.
2. In addition to the Discharge Monitoring Reports (DMRs), a supplemental monthly report shall be submitted in accordance with Part II.D. of this permit which shall contain the following information:
  - a. Daily mine wastewater flow from the Kellogg Tunnel. This flow shall be monitored continuously and recorded on a daily basis.
  - b. Daily mill effluent flow. This flow shall be measured directly or calculated based on pump timers and pump capacity and recorded on a daily basis.
  - c. Daily flow of makeup water to the mill. All makeup water, including the underground wells and collected runoff sources, shall be monitored, recorded, and reported on a daily basis.
  - d. Daily precipitation on the CIA. The permittee shall maintain and operate the precipitation gage which shall be located so as to yield representative values of precipitation on the CIA. Total monthly precipitation shall also be reported.
  - e. The dates and times of Central Treatment Plant shutdown.

3. The permittee shall implement best management practices, including the recommendations in the approved Seepage Control Plan, to prevent discharges from the CIA. The permittee shall conduct the following monitoring program, at a minimum, to evaluate the effectiveness of the seepage control system. Sampling dates shall be recorded and reported on each report:
  - a. Drill holes Nos. 8, 9, and 25 as identified in the Hawke Report shall be monitored for water level, specific conductance, zinc, cadmium, antimony, phosphorus, and fluoride.
  - b. South Fork Coeur d'Alene River at both the Bunker Avenue Bridge and Airport Bridge shall be monitored. Three samples shall be taken, one from each side and from the center of the river at each location, and composited. Each composite sample shall be analyzed for specific conductance, total zinc, cadmium, antimony, phosphorus, and fluoride. At the time of sampling at the Airport and Bunker Avenue bridges, the corresponding stream flows shall be determined and recorded. A stream gage shall be operated at the Bunker Avenue bridge. This gage shall be calibrated annually. The flow at the Airport bridge shall be estimated from measured flows at Bunker Bridge, Bunker Creek, and Government Creek. The difference in parameter loads between the Bunker Avenue bridge and the Airport bridges shall be calculated and included on each report.
  - c. Bunker Creek and Government Creek shall be sampled at existing monitoring locations for flow, specific conductance, total zinc, cadmium, antimony, phosphorus, and fluoride.
  - d. The pond area of the CIA shall be estimated. A photograph of the pond area shall be taken on the Monday morning closest to the sampling date, dated, and submitted.
  - e. The water quality of the CIA effluent to the CTP shall be monitored. A grab sample shall be taken at the point where the CIA effluent flow is monitored. This sample shall be analyzed for flow, specific conductance, pH, total copper, zinc, lead, mercury, cadmium, antimony, manganese, phosphorus, cyanide, and fluoride.
  - f. All samples and monitoring data shall be taken on the same day. Samples will be taken in February, April, June, August, September, October, November, and December. Raw data and all other monitoring data required above shall be reported by the fourteenth day of the month following sampling, i.e., March 14th, May 14th, July 14th, September 14th, October 14th, November 14th, December 14th, and January 14th. EPA shall have access, on request, to all additional data and sample analysis obtained by the Company pertinent to the effectiveness of the seepage control system.



Summary of Seepage Control Monitoring

<u>Parameter</u>	<u>Wells</u>	<u>Bunker Bridge</u>	<u>Airport Bridge</u>	<u>Bunker Creek</u>	<u>Government Creek</u>	<u>CIA</u>
Flow	x*	x	x	x	x	x
Specific						
Conductance	x	x	x	x	x	x
pH						x
Total Copper						x
Total Zinc	x	x	x	x	x	x
Total Lead						x
Total Mercury						x
Total Cadmium	x	x	x	x	x	x
Total Antimony	x	x	x	x	x	x
Total Manganese						x
Total Phosphorus	x	x	x	x	x	x
Total Cyanide						x
Total Fluoride	x	x	x	x	x	x

\* water level

4. Beginning February 1, 1987, the permittee shall submit an annual report detailing seepage control measures for the upcoming year. The following items, at a minimum, shall be reported:
  - a. The existing elevation of the extent of the clay seal and beached mill tailings on the CIA dike;
  - b. A specific plan and schedule for raising the seal on the dike in response to the loss in volume of the CIA from the tailings deposition;
  - c. Any plans to raise the dike.
5. Spills and other non-scope discharges are not authorized.

F. Biomonitoring Program.

The permittee shall provide existing toxicity data and perform toxicity tests that provide information on the possible toxic effect of the discharge from outfall 006.

1. Within 30 days of the effective date of this permit, the permittee shall submit any existing effluent toxicity data to EPA for review.
2. The permittee shall conduct a 7-day Ceriodaphnia sp. life cycle test to evaluate the possible toxic effect of the permittee's effluent using protocols provided by the EPA Environmental Services Division (ESD). The test shall include a series of dilutions of the effluent ranging from control water to 100% effluent. The permittee shall determine the no effect concentration of the effluent in the control water. In addition, the permittee shall report the percent survival of Ceriodaphnia sp. after 48 hours and again after 96 hours. Such testing will be conducted on a composite sample of effluent. The no effect concentration is that concentration of effluent at which: (1) There is less than a 20% decrease in survival of the test organisms compared to appropriate control water; or (2) There is not a statistically significant decrease at the 95% confidence level in reproduction of the test organisms compared to organisms raised in appropriate control water.
3. The life cycle test shall be performed in August of each year during a period of active mine and mill processing. Test results shall be submitted to EPA within 2 months after completion of the test.
4. If the 7-day Ceriodaphnia sp. life cycle test proves inadequate or inappropriate for evaluating the permittee's effluent, EPA may, at the request of the permittee or at its own initiative, establish additional or alternative testing through the permit modification process. This provision does not in any way limit EPA's information gathering authority under Section 308 of the Clean Water Act.
5. All quality assurance criteria used shall be in accordance with Methods for Measuring the Acute Toxicity of Effluent to Aquatic Organisms, EPA-600/4-78-012 and Quality Assurance Manual for Performing Acute Toxicity Tests, FDER Biological Section, 1983. All test organisms and procedures used shall be in accordance with the protocols for the 7-day Ceriodaphnia sp. life cycle test as provided and approved by EPA ESD. The selection of an appropriate control water for the chronic toxicity test shall be submitted to the EPA for review and approval prior to use.

G. Definitions.

1. "Daily Average" ("Daily Avg.") shall mean the total units discharged during a monitoring month divided by the number of days in that period that the production or commercial facility was operating. Where less than daily sampling is required by this permit, this average shall be determined by the summation of the measured daily discharges divided by the number of days during the monitoring month when the measurements were made.
2. "Daily Maximum" ("Daily Max.") shall mean the maximum value attained on any day in a given monitoring month.
3. "Monitoring Month" shall mean the period consisting of the calendar weeks which end in a given calendar month.
4. A "24-hour composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
5. A "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
6. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
7. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
8. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.H., Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to: United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Attn: Water Compliance Section, Mail Stop 513

copy to: Idaho Department of Health and Welfare  
Division of Environment  
Statehouse  
Boise, Idaho 83720

- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit (Part I.A.) shall be submitted no later than 10 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and
  6. The results of such analyses.
- H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.
- I. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
    - a. Any noncompliance which may endanger health or the environment;
    - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
    - c. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or
    - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.

2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 442-1213.
4. Reports shall be submitted to the addresses in Part II.D., Reporting of Monitoring Results.
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. are submitted. The reports shall contain the information listed in Part II.I.2.
- K. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

### III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than 1-year, or both. Except as provided in permit conditions on Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

G. Bypass of Treatment Facilities:

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
2. Notice:
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I., Twenty-four Hour Reporting.
3. Prohibition of bypass.
  - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
    - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (3) The permittee submitted notices as required under paragraph 2 of this section.
  - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.



H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
  2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
    - b. The permitted facility was at the time being properly operated;
    - c. The permittee submitted notice of the upset as required under Part II.I., Twenty-four Hour Notice of Noncompliance Reporting; and
    - d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
  3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

#### IV. GENERAL REQUIREMENTS

A. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - a. One hundred micrograms per liter (100 ug/l);
  - b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - d. The level established by the Director in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - a. Five hundred micrograms per liter (500 ug/l);
  - b. One milligram per liter (1 mg/l) for antimony;
  - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - d. The level established by the Director in accordance with 40 CFR 122.44(f).

B. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part IV.A.1.

- C. Anticipated Noncompliance. The permittee shall also give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- D. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- E. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- F. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- G. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- H. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
  - 1. All permit applications shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer;
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
    - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
  - 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Director.

- b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV.H.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.H.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- I. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- J. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

- K. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- L. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- M. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- N. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- O. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.